
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in connection with the trade restrictions against North Korea specified in Council Regulation (EU) No 2017/1509 of 30 August 2017, as last amended by Council Implementing Regulation (EU) No 2018/87 of 22 January 2018 (OJ No. L16I, 22.01.2018, p.1) (“the North Korea Regulation”). This Order revokes articles 4 to 16 of the Export Control (North Korea Sanctions and Iran, Ivory Coast and Syria Amendment) Order 2017 (S.I. 2017/83).

Article 4 provides for the granting of licences for the purposes of the provisions of the North Korea Regulation which allow a competent authority to authorise trade related activities which would otherwise be prohibited. The competent authority for these purposes is the Secretary of State. A licence granted by the Secretary of State may be varied, suspended or revoked. Article 4(7) makes it an offence to knowingly or recklessly provide false information for the purpose of obtaining a licence. Article 4(9) makes it an offence to fail to comply with any condition attached to a licence.

Articles 5 to 19 create offences for contravention of relevant trade restrictions in the North Korea Regulation. “Relevant trade restrictions” do not include restrictions on the export or import of goods. Offences for contravention or circumvention of restrictions on the export or import of goods are to be found in the Customs and Excise Management Act 1979.

Article 20 creates an offence of circumventing any relevant trade restriction in the North Korea Regulation.

Article 21 makes provision for a defence for a person charged with certain offences under the Order.

Article 22 sets out the penalties relating to the offences under this Order. Article 23 makes modifications to the penalties that will apply where a person is guilty of an offence under the 1979 Act in connection with the exportation or importation of goods which is prohibited by the North Korea Regulation.

Article 24 applies (with modifications) sections 77A, 138, 145, 146, 146A, 147, 148, 150, 151, 152, 154 and 155 of the Customs and Excise Management Act 1979 for the purposes of the Order. These sections, as applied, make provision in connection with the investigation of and proceedings for offences under this Order.

An impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the Order on www.legislation.gov.uk

Further information is available from the Export Control Organisation, Department for International Trade, 3 Whitehall Place, London, SW1A 2AW and on the gov.uk website (www.gov.uk).